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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,054	09/25/2000	Ismail A. Lakkis	034321.0002.UTL.	4090

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BAKER & MCKENZIE
PATENT DEPARTMENT
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DALLAS, TX 75201

EXAMINER

PERILLA, JASON M

ART UNIT	PAPER NUMBER
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2634

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/670,054

Applicant(s)

LAKKIS, ISMAIL A.

Examiner

Jason M. Perilla

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8 and 10-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-18 and 20-24 is/are allowed.
- 6) ☒ Claim(s) 3-8 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/22/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1, 3-8, and 10-24 are pending in the instant application.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on October 22, 2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Arguments/Amendments

3. With the amendments to the drawings and the specification filed February 7, 2004, the objections to the drawings and the specification set forth in the office action dated August 6, 2004 are withdrawn.
4. In view of the amendments to the claims filed February 7, 2004, the claim objections are withdrawn.
5. In view of the arguments against the prior art rejections set forth under 35 U.S.C. § 103(a) of the office action dated August 6, 2004 including the primary reference Sugita (US 5757766), the rejections are withdrawn because Sugita fails to disclose a common spreading code as noted by the Applicant (see arguments filed February 7, 2005, pgs. 15 and 16). Because the prior art rejections set forth in the office action dated August 6, 2004 do not disclose every feature or limitation of the claims, they are withdrawn.
6. New rejections are made under 35 U.S.C. § 112, second paragraph.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 3-8 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 3, the claim is indefinite because one skilled in the art is unable to determine according to the claim language the meaning of "where each block includes symbols currently present in each unspread substream". Various possible interpretations may be made of the successive blocks of symbols produced by the dividing activity as claimed. One skilled in the art is unable to determine how the successive blocks of symbols are distributed among the plurality of unspread substreams defined in parent claim 1. Further, one skilled in the art is unable to determine if the "each block period" of line 7 is regarding a block period of said composite signal (lacking basis) or a block period of a one of the plurality of unspread substreams.

Claim 4 is rejected as being based upon a rejected parent claim.

Regarding claim 5, the claim is indefinite because one skilled in the art is unable to determine according to the claim language the meaning of "where each block includes symbols currently present in each unspread substream". Various possible interpretations may be made of the successive blocks of symbols produced by the dividing activity as claimed. One skilled in the art is unable to determine how the successive blocks of symbols are distributed among the plurality of unspread substreams defined in parent claim 1. Further, one skilled in the art is unable to

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determine the meaning of "common blocks" in line 6. The claims provide no basis for "common blocks" and various interpretations may be made.

Regarding claims 6-8, the claims are rejected as being based upon a rejected parent claim.

Regarding claim 19, the claim is rejected for the same reasons as applied to claim 3 above.

Allowable Subject Matter

9. The indication of allowable subject matter is made regarding claims 1, 10-18, and 20-24.

10. The following is a statement of reasons for the indication of allowable subject matter:

Claims 1, 10-18, and 20-24 are indicated to contain allowable subject matter because the prior art of record does not disclose or obviate the application of a temporally offset cyclic common spreading code to a plurality of unspread substreams as claimed in the independent claims.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Perilla whose telephone number is (571) 272-3055. The examiner can normally be reached on M-F 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (571) 272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jason M. Perilla
May 11, 2005

jmp



CHIEH M. FAN
PRIMARY EXAMINER